

THE GOVERNMENT
OF
MISSOURI
BARNARD



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SUPPLEMENT TO
GOVERNMENT: ITS ORIGIN, GROWTH
AND FORM IN THE UNITED STATES

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THE GOVERNMENT
OF MISSOURI

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THE GOVERNMENT OF MISSOURI.

CHAPTER I.

INTRODUCTION.

In the preceding chapters of this work the elements of national government have been given with some degree of detail. In the following pages will be found the salient features of the government of Missouri as they have been embodied in the constitution and laws of the State.

The States.—Each State maintains a separate government of its own. Each has a constitution which prescribes, in a general way, the duties, rights, and privileges of its citizens, and outlines the powers, duties, and limitations of its legislative, executive, and judicial officers. Each of the Thirteen Colonies became a State with power to manage its own local affairs, and each retained in its fundamental law such provisions as to details of organized government as its own history and experience seemed to justify. In many respects the State is closer to the individual citizen than the National Government, and hence it may the more readily bring the means of protection and relief.

The Nation.—Experience soon taught the people the need of some central authority to take charge of the interests

which were common to all the States. Such matters as naturalization, trade among the States, and the carrying of the mail gave rise to many perplexing questions. Out of this lack of singleness of power and authority complications arose which greatly endangered the peace of the colonies and threatened the trade with other nations. After several unsuccessful attempts to agree upon a plan of general government, the present National Constitution was formed and adopted. Each State surrendered control of those interests which were common to all the States, while the States or the people retained all powers not delegated to the general government. The Nation did not delegate powers to States, but the people of the States delegated certain powers to the Nation. The Constitution of the United States expressly declares that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." (Amendment X.) Again it says: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." (Amendment IX.) All power, then, originates with the people, and is retained by them unless they choose and agree to surrender it.

State Jurisdiction.—The larger portion of the functions of government rests with the States. "They are the chief creators of law among us. They are not only the chief constituent units of our political system, but are also self-directive units. They make up the mass, the body, the organic stuff, of the Government of the country." (Woodrow Wilson.) Among the powers retained by the States are the regulation of suffrage, education, and

marriage; the making of laws for the use, possession, and distribution of property; and the enactment and enforcement of most of the criminal laws. The States provide courts of justice for the adjustment of property and personal rights. The States assess and collect the taxes needed to defray the cost of local government, take care, by means of asylums and other institutions, of paupers, insane persons, and the lame and blind and other defectives. Most States regulate by law, railroad, insurance, and express companies, and limit the power of other corporations doing business within their borders.

National Jurisdiction.—The laws of the Nation take cognizance of such matters as are of general interest, such as the coinage of money, the establishment and maintenance of post-offices and post-roads, and the granting of copyrights and patents. Congress may declare war, raise and support armies, establish and maintain a navy, and provide for calling forth and organizing the militia. The regulation of commerce with foreign nations and among the several States, the adoption of rules for naturalization, and the collection of duties, imposts and excises, are subjects left also to the National Government.

The Constitution.—The constitution of a state or country is its fundamental law. The laws made by the legislature, their enforcement by executive officers, and their interpretation by the courts must accord with the provisions of the constitution. According to the best authorities, it should contain the following features: (1) A definition of the political state; that is, a statement of the rights, powers and duties of the voter; (2) The structure of the government should be given; that is, it should con-

tain the three departments, legislative, executive, and judicial; (3) The limitations of government should be stated in the Bill of Rights; (4) Provision should be made for the amendment of the constitution. The Constitution of Missouri contains all of these provisions, and expressly declares that no officer who belongs to one of the departments of government "shall exercise any power properly belonging to either of the others," except as otherwise directed by the constitution.

How Made.—Constitutions are usually made by conventions called for that purpose. They may be or they may not be ratified by a vote of the people. The first Constitution of Missouri was not submitted to a vote of the people, but became effective at once without ratification. As the members of a constitutional convention are selected by the people to do this specific work, the presumption is that they represent and reflect the will and desire of their constituents. The Constitution of a State, however, is its fundamental law, and both the science of government and the almost universal practice of the States require that it be submitted for ratification to the supreme authority within the State—the people.

Number of Constitutions.—Missouri has had three Constitutions. The first was framed and adopted in 1820, prior to the admission of the State into the Union. The second, which was the outgrowth of the Civil War, was adopted in 1865, and the third, which is the constitution now in force, was adopted in 1875. Each was framed by a convention composed of delegates elected for that purpose, and the second and third constitutions were submitted to the people for their ratification.

Amendments.—The General Assembly may at any time submit amendments to the constitution to a vote of the people. To become a part of the constitution they must receive a majority of the votes cast upon the question. Eighteen such additions have been made to the constitution now in force. The General Assembly may also submit to a vote of the people the question of calling a convention for the purpose of revising the Constitution of the State. If the proposition is ratified by a majority of the votes cast, then an election is held and each senatorial district elects two delegates for each senator to which it is entitled. The convention thus composed shall revise the constitution and submit the same to a vote of the people for their ratification or rejection.

The Present Discussion.—In presenting the local and State features of Missouri Government, the smaller units will be treated first. The main topics will be the town and city, the township, the school, the county, and the State as such. The discussion will include an examination of the method of election, qualifications and duties of constables, justices of the peace, and school and county officers; of representatives and senators of the Legislature, and of the various State executive officers; the classification of local and State courts and the duties of the various officers who serve them.

CHAPTER II.

THE PUBLIC SCHOOL.

Necessity.—In the development of organized government the school was one of the first units to receive attention by the public. At first the minister of the church was the teacher of the children of the community; then came the private tutor; then the subscription school, to which the families of the neighborhood sent their children on the payment of a small fee; next the seminary or college was organized; and finally, the organized public school was decided upon as the cheapest, the most efficient, and the most universally acceptable. Thus the necessity for the school found recognition in the acts of the Legislature. Laws were made providing for the selection of school officers, the regulation of attendance, and the assessment and collection of school revenues for the erection of schoolhouses and the payment of teachers. The parents “were only too glad to turn their children over to this special educational agency, which they feel can render far better service than their homes can afford.” (Small and Vincent.)

Establishment.—The Constitution of Missouri provides that “the General Assembly shall establish and maintain free public schools for the gratuitous instruction of all persons between the ages of six and twenty years.” With

a view to accomplishing this purpose, a school system has been organized which reaches every section of the State.

School Districts.—For educational purposes, the county is divided into school districts, provision being made for separate schools for the two races. A public school must be maintained in each district for at least six months of the scholastic year, provided forty cents on the one hundred dollars' assessed valuation of property, together with the public funds, shall be sufficient to defray all expenses. Districts neglecting or refusing to comply with this requirement are deprived of all public money for that year.

Size and Shape.—The only limitation as to size of the district is that it shall contain at least twenty pupils of school age. A colored school may be organized, however, if there are fifteen such pupils in the district. No regular shape is prescribed, but the boundaries are frequently determined by water-courses, farms, section lines, and other elements of convenience.

Annual Meeting.—On the first Tuesday in April the qualified voters of the district meet in annual session to transact certain public business. They determine the length of the school term, if it is to exceed six months, and fix the rate of tax, if any, in excess of forty cents on the one hundred dollars. They vote money for the purchase of books for the library, and determine any proposed changes in the boundaries of the district. They direct the sale of property no longer needed for school purposes; and in election years they vote for County School Commissioner. If a schoolhouse is to be erected or a site selected, they also determine these questions as

directed by law. They select by ballot one director who is to serve for three years, and if a vacancy exists in the board of directors, they fill it in the same manner.

Board of Directors.—The management of the school is vested in a board of directors composed of three members, elected by the qualified voters of the district. They serve for a term of three years, one being elected every year. Each director must be a citizen of the United States, a qualified voter of the district and a resident taxpayer, and must have paid a State and county tax within one year next preceding his election. The officers of the board are a president and a district clerk, the former being a member of the body.

Duties and Powers.—It is the duty of the board to employ a legally qualified teacher, to fix his compensation and term of service. The board must provide fuel, care for the school property, and purchase maps, globes, and other necessary apparatus. It makes needful rules and regulations for the organization, grading, and management of the school, and has power to suspend or expel pupils for disorderly conduct. It manages the financial interests of the district, being limited only by the law and the will of the people as expressed at the annual meeting.

District Clerk.—The District Clerk is selected by the board of directors. It is his duty to keep a record of all annual and special meetings of the voters of the district, and also of the proceedings of the board. He files election notices, teachers' certificates and contracts, and other papers. On or before the fifteenth of July, he must make to the county commissioner a detailed report concerning

the school, including a census of the school population, the value of the school property, and the items of expense in running the school. He furnishes the teacher with a properly ruled register in which to keep such items of enrollment as are required by law.

School Periods.—In Missouri six hours of actual work constitute a school day; five days make a school week; four weeks a school month; and from six to ten months a term. The school year begins on the first of July and ends on the thirtieth day of June following. The school holidays are Thanksgiving Day, December 25th, February 22nd, and the Fourth of July, and the teacher gets pay for these when they fall upon school days.

Village Schools.—A city, town, or village, or a district having two hundred or more children, may organize into a school district possessing special privileges. The board of directors in this case is composed of six members, two of whom are chosen every year for a term of three years. The officers of the board are president, vice-president, secretary and treasurer. The term of school in such districts cannot be less than seven nor more than ten months, provided the funds are sufficient to defray the expenses.

Elections.—In village districts the school elections are held at the same time as in other districts, but the polls are open from seven o'clock in the morning until six o'clock in the afternoon. Judges and clerks of election are appointed as in case of county elections; but in cities of more than two thousand and less than one hundred thousand inhabitants, the election shall be held at the same time and place as the election of municipal officers, and the same judges and clerks may serve for both.

Powers of Boards.—Village, town or city boards of directors may annex entire districts or parts of districts whenever the citizens of such districts shall determine in favor of the same. In cities of more than five thousand and less than one hundred thousand inhabitants they may purchase sites for school offices, libraries, and school-houses, and direct the sale of real estate belonging to the district. They may also accept gifts and donations for the endowment of libraries and for the purchase of books.

Finances.—The financial theory of the public school system is based upon the doctrine that all property should be taxed for the support of schools, irrespective of private interests or individual preferences. This theory is justified upon the ground that education is a public good, improving the industrial and financial conditions, developing a better character of citizenship, and bringing to the individual knowledge and power, which add greatly to his productive capacity. Hence the expense of maintaining a system of schools is assessed against all property in proportion to value.

State Fund.—There is a permanent fund derived from several sources and invested in the bonds of the State and in certificates of indebtedness against the State. These certificates, which amount at this time to about four and a half million dollars, draw interest at the rate of five and six per cent. per annum. The income of this fund is distributed annually to the counties of the State.

County Fund.—Then there is a permanent county fund which is derived (1) from interest on invested school funds,

(2) from the sale of estrays, (3) from penalties and forfeitures, (4) from fines for breach of the penal or military laws of the State, and (5) from all moneys paid for exemption from military duty. The County Court is required to lend this fund "for the highest interest that can be obtained, not exceeding eight nor less than four per cent. per annum." The proceeds of the fund are apportioned each year by the County Court to the several districts, basing the distribution upon the number of children resident therein.

Township Fund.—This fund is derived from the sale of the sixteenth section, or lands selected in lieu of it, all rents and profits derived from such lands, and all interest and profits arising from the capital of the fund. The County Court keeps a separate account with each township, and lends the fund under the same restrictions as are provided in the case of the county fund.

Special District Fund.—Many of the school districts of the State have special funds, arising "from grant, gift, device or special legislation."

Appropriation.—Under the constitution the Legislature is authorized to appropriate not less than twenty-five per cent. of the entire State revenue to the support of the public schools. For many years one-third of the revenue has been set apart for this use.

Tax Levy.—All school districts are allowed to levy as much as forty cents on the one hundred dollars' assessed valuation without a vote of the people. In cities and towns the rate may be increased by a vote of the tax-payers to one dollar on the hundred dollars, and in other dis-

tricts it may be increased to sixty-five cents on the one hundred dollars' valuation.

Teachers.—There are certain qualifications which teachers must possess before they are allowed to teach in the public schools of Missouri. They must pass a satisfactory examination upon the common school branches and be of good moral character.

Examination.—There is a board of education in each county, composed of the County Commissioner and two other persons, one appointed by the County Court, and the other appointed by the State Board of Education, whose duty it is to examine applicants for teachers' licenses. The questions are prepared by the State Superintendent, and three examinations are held each year.

Grades of Licenses.—Three grades of county certificates are issued, third grade, second grade and first grade, good for one, two and three years, respectively. To secure a third-grade certificate, the applicant must make an average of eighty upon spelling, reading, writing, language lessons, geography, arithmetic, grammar, United States history, civil government, physiology and pedagogy. To secure a second-grade certificate, the applicant must, in addition to the subjects just enumerated, pass also in algebra and literature, and make an average upon the entire list of eighty-five. To secure a first-grade certificate, the applicant must include in his examination, in addition to the subjects named, one division of history and one of natural science, and maintain an average of ninety. Graduates of the state normal schools and of the teachers' college at Columbia are given diplomas which are unlimited licenses

to teach in any county in the State. Certificates given on completion of the elementary courses in these institutions are also teachers' licenses, limited to two years. The State Superintendent also issues a limited license good for five years, in addition to a State certificate which is valid for life.

CHAPTER III.

CITIES, TOWNS AND VILLAGES.

Functions.—County and township organizations do not satisfy all of the needs of all of the people. Some portions of territory become more densely populated than others, forming what are known as cities, towns and villages. More elaborate organizations of government become necessary to meet the demands of these compactly formed communities.

Relation to County.—With the exception of St. Louis, every city, town and village is an integral part of some county of the State, and its inhabitants are subject to the jurisdiction of county officials. The citizens of the town pay State and county taxes, take part in the election of county officers, and also enjoy all of the benefits arising from the county organization.

Nature of Government.—The city or town does not present an example of perfectly organized government, since it possesses only limited legislative powers. The Legislature of the State prescribes very largely the rules and regulations for its management, the city making laws upon such matters as arise from peculiar and exclusive local needs, limitations and conditions. Its legislative body is subject to the rules prescribed by the State, while it concerns itself with matters of local interest, such as

the care of streets, the building of parks and the collection of taxes for the payment of local expenses. The laws of the State delegate powers and prescribe limitations within which the functions of the city must be exercised. Health regulations are needed, streets must be made, and police protection provided. Water and lighting systems must be installed and regulations made concerning travel and transportation. Public libraries, hospitals and other institutions are needed and established. Laws are made which prohibit gambling within the limits of the city, which prevent or regulate the sale of intoxicants, and which provide for the punishment of those who violate the ordinances of the city.

Classes.—The General Assembly, by the authority of the constitution, has provided for the organization of cities into four classes; viz., first, second, third and fourth. All cities of any class possess the same general powers, and are governed by the same general laws.

FIRST CLASS.—All cities and towns containing one hundred thousand or more inhabitants.

SECOND CLASS.—Those containing thirty thousand and less than one hundred thousand inhabitants.

THIRD CLASS.—Those containing three thousand and less than thirty thousand inhabitants.

FOURTH CLASS.—Those ranging in population from five hundred to three thousand, and towns organized under special charters.

VILLAGES.—A class known as villages is recognized by the laws of the State, and includes all towns with less than five hundred inhabitants, except those organized under special charters.

Many of the cities and towns of the State have not taken advantage of this provision, but they remain under the organization they had before the adoption of the last constitution.

Incorporation.—Any city or town organized under any general law or special charter may, by a vote of its people, elect to become a city of the class to which its population will entitle it. It is then governed by the general laws prescribed for cities of its class. In the case of a village the County Court has the power to declare its incorporation on the petition of two-thirds of its inhabitants.

Corporate Powers.—Incorporated cities have the power of perpetual succession; they may sue and be sued; plead and be impleaded; defend their interests in court and be defended; they may purchase and hold personal and real property and dispose of the same; receive gifts and donations, and hold a common seal which may be changed at pleasure.

Legislative.—Cities elect legislative, executive and judicial officers, but the scope of their power varies with the number of inhabitants. In cities of the first class the legislative body is known as the Municipal Assembly. It consists of two branches—the Council, composed of thirteen members, elected from the city at large, and the House of Delegates, composed of one member from each ward, elected by the voters thereof. In cities of the second class the legislative power is vested in the Common Council. This body is composed of two Aldermen from each ward, one being selected by the voters of the city at large, and the other being elected by the voters of the ward. In cities of the third class the legislative

body is known as the Council. It is composed of two Aldermen from each ward, selected by the qualified voters thereof. In cities of the fourth class the legislative power is vested in a Board of Aldermen composed of not less than four members.

Executive.—Provision is made in all cases for a chief executive officer whose duty it is to see that the laws and ordinances of the city are duly enforced. In cities of each class this power is vested in the Mayor, who is elected by the qualified voters. His powers are greater and his duties more numerous in cities of the higher classes.

Judicial.—The judicial power, the power to interpret and apply the law, is vested in the Police Judge. In cities of the first class two Police Judges are appointed by the Mayor; in those of the second and third classes, one Police Judge is elected by popular vote; and in cities of the fourth class the Mayor performs these duties unless provision is made by ordinance for the election of a Judge by the people. These officers are the conservators of the peace in their respective cities, and have power to assess fines for the violation of ordinances.

Villages.—Villages have a very simple organization. Both legislative and executive functions are vested in the Board of Trustees of the village, while the chairman of the board hears and determines offenses against the laws of the town.

Special Charters.—Many cities and towns have been organized under special laws or charters. These may remain under their present form of government or elect to organize under the general laws for the class to which they naturally belong by reason of their population. By

authority of the Constitution, cities having more than one hundred thousand inhabitants may frame and adopt a charter of their own, provided the charter does not violate the laws or Constitution of the State. St. Louis and Kansas City have taken advantage of this provision and are working to-day under special charters.

CHAPTER IV.

THE CONGRESSIONAL TOWNSHIP.

Defined.—The word township as used in this chapter is a term employed in the land surveys of the United States to designate a division of land six miles square and containing thirty-six sections.

Public Lands.—By treaty, cession, conquest and purchase, the United States Government has acquired large areas of public land. “To speak in round numbers,” says Hart, “the original area of the United States was doubled by the Louisiana cession; almost as much was added out of Mexican territory; and Oregon and Alaska together make up the fourth quarter of the present area.” Among the provisions granted to Congress by the Constitution was the power to dispose of the public lands. In the exercise of this power, the National Government has disposed of thousands of acres to individuals, States, towns, corporations and educational and benevolent institutions. In the Western country there are still large areas of land belonging to the Government and still subject to homestead and cash entry, but in Missouri the better lands have been taken up. However, there are at this time 420,000 acres of land yet open to entry by individuals.

Land Surveys.—But before these lands could be transferred to others it was necessary that they should be sur-

veyed and properly marked or designated. The system known as the "triangular system" of surveys was adopted by the United States, by which the lands are marked off into ranges, townships, sections and parts of sections. By this means tracts of land are definitely located and described, and records properly made and easily read. Descriptions of the original Government surveys are kept in the land offices established in different parts of the country. Three of these are located in Missouri, at Boonville, Ironton and Springfield.

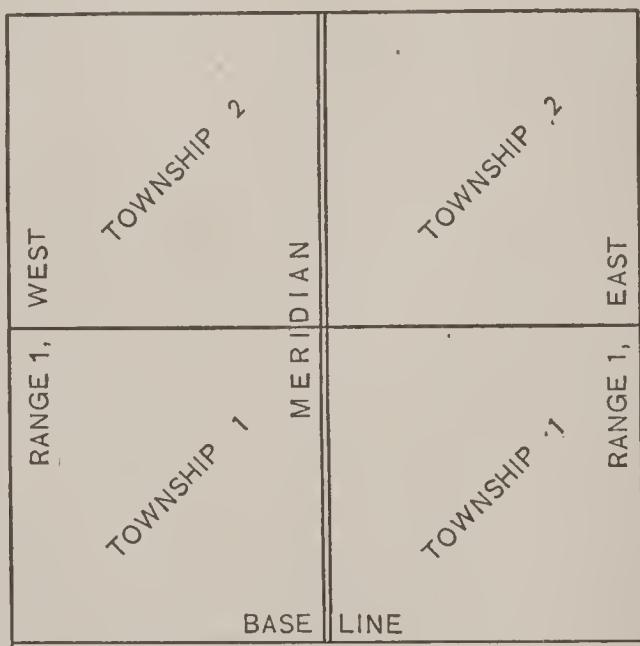


Fig. 1.

Townships.—Base lines and prime meridians have been established at convenient distances. Base lines extend east and west and meridians north and south, cutting each other at right angles. From these as starting points other lines are surveyed six miles apart, forming what are known as townships. A township, therefore, is six miles square and contains thirty-six square miles or sections. Townships are designated by their number north or south of the base line. See Figs. 1 and 2.

Ranges.—A series of townships extending north or south of the base line constitutes what is known as a range. The range is named by its number east or west of the principal meridian; as range 1, east; range 3, west, etc. See Fig. 1.

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Fig. 2.
TOWNSHIP DIVIDED INTO SECTIONS

Sections.—A section is one of the square miles of a township and contains six hundred and forty acres. It is divided into halves, or tracts of three hundred and twenty

WEST HALF 320 ACRES	NORTHEAST FOURTH 160 ACRES	
	N. $\frac{1}{2}$ S.E. $\frac{1}{4}$ 80 ACRES	
	S.W. $\frac{1}{4}$ of S.E. $\frac{1}{4}$ 40 ACRES	
	S.E. $\frac{1}{4}$ of S.E. $\frac{1}{4}$ 40 ACRES	

Fig. 3. SECTION SUB-DIVIDED

acres; quarters, or one hundred and sixty acre tracts; one-half of a quarter, representing eighty acres; and one-fourth of a quarter, or forty acre lots. See Fig. 3. Attention is

called to the method by which the sections are numbered. Beginning in the northeast corner of the township, they are numbered from east to west and from west to east. See Fig. 2.

Locating Lands.—It will be seen that all lands thus surveyed and designated may be definitely described by this system. A tract of forty acres, for example, may be described as the southwest fourth of the southeast quarter of section 16, township 3, range 1, west. See diagram, Fig. 3.

Missouri Lines.—The prime meridian from which the ranges in Missouri are surveyed and numbered begins at the mouth of the Arkansas river, and extends north through our State, passing thirty-six miles west of St. Louis. The base line from which townships in Missouri are numbered extends through the northern part of Arkansas, just south of Little Rock.

Marking Lines.—When the original surveys were made the lines were marked in such a way that they could be easily followed or retraced whenever necessary. "Sight trees," which are those that intercept a line, were marked with two notches on either side. Trees standing near the line were marked in such a way as to point toward the line of the survey. Descriptions of these objects are made a part of the field notes of the surveyor and are open to inspection at any time.

Corners.—Corners are established to mark the townships, sections, and quarter-sections. Trees, posts and stones are most commonly used, but mounds of earth are also employed when other means are not available. The law requires the surveyor to perpetuate these corners by the use of the best means at his command.

Records.—Complete records of the titles to all real estate in a county are kept at the county seat in the office of the Recorder or Circuit Clerk. To be valid, all sales, deeds of trust, and all mortgages of whatever kind must be filed with the Recorder of the county in which such lands are located to be recorded by him. All such instruments take effect from the time they are filed for record. Books are provided by the county in which all deeds of every kind are recorded.

Conveyances.—Conveyances of lands or interests therein “may be made by deed executed by any person having authority to convey the same.” This includes proof or acknowledgment before a justice of the peace of the county where the real estate is located, by a notary public, or by a judge or a clerk of a court having a seal.

CHAPTER V.

THE MUNICIPAL TOWNSHIP.

Defined.—For convenience in the administration of government, the county is divided into municipal townships, each of which is a unit in local government. By this means a closer protection of property and person is provided, and the needs of the people are subserved in many other ways. The County Court determines the number of townships in any county, designates each by name, and fixes the boundaries as directed by law. In the exercise of its functions as a unit of government the township (with the exception of such counties as adopt “township organization”) employs the time of but two officials, the Justice of the Peace and the Constable.

Justice of the Peace.—The Justice of the Peace is the judicial officer of the township. He is elected by the people of the township for a term of four years, but he receives his commission from the County Court. He must be a citizen of the United States, an inhabitant of the State one year, and a resident of the township at least six months immediately preceding his election. In townships of one hundred thousand inhabitants he must have been an inhabitant of the State two years and a resident of the district or township twelve months.

Number.—Every township is entitled to two Justices of the Peace. If the township contains a city of two thou-

sand people and less than one hundred thousand, then said city shall be given an additional Justice of the Peace. If it contains a city of one hundred thousand and less than three hundred thousand, the township is divided by the County Court into districts not exceeding eight in number, and the voters of each district elect one Justice of the Peace.

Powers and Jurisdiction.—The powers of the Justice are confined largely to civil cases, but persons charged with criminal offenses may be bound over by him to be tried by a higher court. His jurisdiction extends throughout the county for which he has been chosen: (1) "To cause to be kept all laws made for the preservation of the peace;" (2) To bring before him persons who break the peace and commit them to jail or bind them over, as the case may require; (3) To cause the arrest of persons who attempt to break the law or who are not of good fame, and require security for their good behavior. He has jurisdiction in actions for the recovery of money when the sum involved, exclusive of interest and costs, does not exceed two hundred and fifty dollars; and in all actions for damages against railroads for killing or injuring stock within the county, without regard to the amount involved. In cities of fifty thousand people his jurisdiction extends to cases which involve a money consideration of three hundred dollars, and to actions against railroads as stated above.

Constable.—One Constable is elected in each township by the qualified voters thereof for a term of two years. If the township has been divided into Justice of the Peace districts, then an additional Constable is elected for each

of such districts. He must reside in the township or district for which he is elected.

Bond.—Every Constable must give a bond to the State for the faithful discharge of his duties as an officer, including the execution of all processes directed to him and the payment of all moneys belonging to others received by him by virtue of his office.

Duties and Powers.—“Constables may serve warrants, writs of attachment, subpoenas and all other processes, both civil and criminal, and exercise all other authority conferred upon them by law throughout their respective counties.” (Statutes.) His duties are similar to those of a Marshal of a town or, in a limited way, to those of the Sheriff of the county.

Compensation.—Constables and Justices of the Peace are paid by fees, the amount being fixed by law for each service rendered. In cities of fifteen thousand and less than thirty-five thousand, and lying wholly within one township, except those under special charters, all fees collected by these officials for services in criminal cases are turned into the county treasury, and in lieu thereof the County Court allows them each fifty dollars per month.

Township Organization.—By the adoption of what is known as “township organization,” a large share of local government is attended to by township officials. They assess and collect the taxes, make and repair the roads, and look after many other matters of local need. On petition of one hundred legal voters asking for such organization, the County Court must submit the question to a vote of the people of the county at the next general election. If a majority of the votes cast in the election favor the

change, then on the last Tuesday in March following, officers of the townships are selected by popular vote.

Elections.—All regular elections are held on the last Tuesday in March on alternate years. Such elections must conform to the general law regulating the election of State and county officers. All citizens of the township who are qualified to vote at the general election and who have resided in the township sixty days are entitled to vote at such elections.

Officers.—Township officers are elected for a term of two years. They must be qualified voters and residents of the township. Each must swear or affirm that he will faithfully discharge the duties of the office to which he has been elected. The following are the officers under township organization: One Trustee, who is also Treasurer of the township; one Township Collector; one Township Clerk, who is also Assessor; one Constable; two members of the Township Board; and two Justices of the Peace. The same persons may be members of the Board and Justices of the Peace at the same time; and the Constable may be Collector also. Townships having more than two thousand inhabitants may elect one additional Justice of the Peace for every two thousand inhabitants until the population reaches six thousand.

Powers.—The township thus becomes a body corporate, and may sue and be sued; purchase and hold real estate within its own limits for the use of its inhabitants; make such contracts and purchase such personal property as may be necessary to the exercise of its administrative functions; make such use of its corporate powers as will best serve the township; and purchase at public sale any real estate

that may be necessary to secure any debt to the township.

Board of Directors.—The Board of Directors of the township is composed of the Trustee and the two members elected by the people. This board audits “all accounts of township officers for service,” except the Township Assessor, whose fees are paid by the county and the State; audits all other accounts legally presented against the township; and levies “all taxes for township, road and bridge purposes.” Three regular meetings are held each year at the office of the Township Clerk. Accounts may be filed with the clerk at any time, but the board must determine the legality of each claim and reject or allow it in whole or in part.

Clerk-Assessor.—The Clerk has charge of the records, books and papers of the township. Under direction of the Township Board he provides all necessary stationery and record books. He is also Clerk of the Board of Directors, and as such keeps a record of its official acts and proceedings. As *ex-officio* Township Assessor, he makes out and delivers to the County Clerk a detailed assessment of the property of his township, personal and real, including also the names of persons, companies and corporations owning the same.

Collector.—It is the duty of this official to collect the taxes of the township. Upon receiving the tax-book from the County Clerk, the Collector proceeds at once to collect the taxes named therein by calling upon each person at his place of residence. The State and county tax collected by him is turned over to the County Treasurer, and all moneys intended for schools, for township expenses, and

for road and bridge purposes, are paid over to the Township Treasurer.

Trustee-Treasurer.—The Trustee may bring suit in the name of the township for the recovery of penalties and forfeitures given to it by law. It is his duty also, on occasion, to “employ counsel to prosecute or defend any suit to which the township is a party.” As Treasurer, he must keep a correct account of all moneys received by him, naming the source of the same and the amount. He can pay out money only on order of the Township Board of Directors, and a correct account must be kept of the amount, to whom paid, and on what account. His books must show the amount on hand belonging to the road fund, and also the sum belonging to each school district in the township. Annual settlements are made with the County Clerk and the County Treasurer.

Conclusion.—The “township organization” plan, as outlined above, cannot be said to be popular in Missouri. Only seventeen counties have adopted it. The reasons for this unpopularity are: (1) The system involves an increase of officers in the county, and hence some additional expense; (2) the county system, supplemented by the limited township system as given in the first part of this chapter, has been in use since the organization of the State and has given general satisfaction.

CHAPTER VI.

THE COUNTY.

Introductory.—So far we have considered the smaller units of local government: The school; cities, towns and villages, and the township. Each of these contributes certain features to the sum total of government, but the list is not complete. We come now to the county, which is more complete in its organization and more extensive in its functions. Its service satisfies more of the needs of the people, and brings a closer protection to person and property. The care of the poor and the indigent insane, the building of roads and bridges, and the collection of taxes demand attention and service.

Relation to State.—The laws of the State are largely administered through the county organization. County officials are charged with the enforcement of the criminal laws made by the State Legislature; and justice is administered, in the first instance, through local courts. Elections, both State and county, are conducted by county authorities, while the revenue needed to pay the expenses of the State organization is gathered up by the county collectors. Representatives in the Legislature are selected from the counties or from the county districts, and State Senators represent districts composed of a number of counties. It will thus appear that the county is the

medium through which the State reaches the individual citizen,—the medium through which the State administers its authority.

Boundaries.—Missouri contains 114 counties, and the city of St. Louis, which sustains the relation of a county. In the Statutes of the State will be found the boundaries of the counties as they have been fixed and adopted by the General Assembly. New counties cannot be established nor old ones changed without the consent of the counties concerned. The constitution prescribes definite limitations and restrictions upon these points. (Art. 9, sections 3 and 4.)

County Seat.—The center of the county government is the county seat, where the official business of the county is transacted. Here the county offices, the court house and the jail are located and most of the county officials have their residence. The County, Probate and Circuit Courts transact their official business in the court house, where the records are filed and preserved. All land deeds, titles and mortgages are also kept here in books prepared for the purpose.

Officers.—The officers of the county are selected by the vote of the people, the election, with the exception of the School Commissioner, being held on the second Tuesday after the first Monday in November, the time of the general election. Some are elected for two years and some for four, but in all cases the incumbent holds the office until his successor is elected and has qualified. Each officer must give a bond for the faithful discharge of his duties. The officers are as follows: Three County Judges, a County Clerk, Assessor, Collector, Treasurer,

Circuit Clerk, Recorder, Surveyor, Sheriff, Prosecuting Attorney, Coroner, Public Administrator, Probate Judge and School Commissioner or Superintendent of Schools. Buchanan County has a County Auditor and Jackson County a Marshal.

County Court.—The County Court is the chief administrative authority of the county. It is composed of three Judges; one, the Presiding Judge, elected from the county at large for a term of four years, and one elected from each of the two districts of the county for a term of two years. They must be at least twenty-four years of age, and must have been citizens of the United States for five years, and residents of the county for one year preceding their election. This court has charge of all the property belonging to the county, and may purchase or sell any property, goods or chattels for the county. It audits all claims against the county, and directs the levy of taxes for county purposes; it hears and determines applications for new roads, orders the roads opened and determines the width of the same. It divides the county into road districts, and appoints for each district a board of three Road Commissioners, who have charge of road repairs within their respective territories. At the May Term the court apportions to the following uses all revenues of the county: (1) The payment of the necessary expenses for the care of paupers and insane persons; (2) the pay of Road Overseers, the repair of roads, and the building of bridges; (3) the payment of such salaries of county officers as must be met by the county; (4) the payment of the fees of jurors, petit and grand, fees of election judges and clerks, and fees of witnesses; (5) the

ordinary current expenses of the county, "designated as the contingent fund." This court may also license saloons and other businesses, billiard and other gaming tables.

County Clerk.—The County Clerk must be a citizen of the United States, above the age of twenty-one years; he must have been a resident of the State "one whole year," and of the county three months. He keeps a record of "the judgments, rules, orders and other proceedings" of the County Court. He attests all processes and affixes thereto the seal of his office; keeps an account of all moneys received, "and punctually pays over the same."

Circuit Clerk.—The Circuit Clerk keeps a record of the proceedings of the Circuit Court of his county. He makes the dockets of the Circuit Court, including (1) all civil cases for trial, (2) all return cases, both triable and non-triable, and (3) all criminal cases. He keeps the seal and other property of his office, administers oaths, and performs many other public services.

Recorder.—The Recorder of Deeds keeps in suitable books a long list of records required by law: "First, all deeds, mortgages, conveyances, deeds of trust, bonds, covenants, defeasances, or other instruments of writing;" second, all papers and documents from Spanish and French authorities concerning goods, lands and tenements; third, all marriage contracts and certificates; fourth, all official bonds and commissions required by law to be recorded; fifth, a list of the births in the county. In counties of ten thousand inhabitants the County Court may separate the offices of Recorder and Circuit Clerk; in all other counties the duties of both offices are performed by the latter.

Sheriff.—The Sheriff is the peace officer of the county, and as such he is authorized to preserve the peace of the community and to enforce the observance of the laws. He serves writs and processes issued by the courts, “including writs of replevin, attachments, and final processes issued by Justices of the Peace.” He has authority to quell assaults, “riots, routs, affrays and insurrections,” and to arrest villains, ruffians, malefactors and criminals, and commit them to jail or require them to keep the peace. In the smaller counties the Sheriff is also the Collector of the County.

Coroner.—It is the duty of the Coroner to inquire “into the cause of any violent, sudden or mysterious death” in the county. The investigation is made before a jury of six men, with a view to determine whether the person died by some accident or by the malicious act of another; if by the former, whether by the act of man and the manner thereof; if by the latter, who was the principal and who were the accessories? The Coroner conducts the examination and signs the report made by the jury. The Coroner is also a conservator of the peace throughout his county. In case the Sheriff’s office becomes vacant, by death or otherwise, the Coroner serves in his stead until the vacancy is filled by appointment.

Assessor.—Between the first day of June and the first day of January of each year an assessment is made of all the property in the county. The Assessor calls at the residence or place of business of each person and makes a list of the following classes of property: All real estate; all live stock; all farm machinery and implements; all household property; money on hand; money in bank or

other safe place; solvent notes unsecured by mortgage; solvent notes secured by mortgage; solvent bonds—State, county, city, township, and bonds issued by solvent companies; all other property. All property held on the first day of June is subject to taxation for the ensuing year. The Assessor's book, containing the "land list," compiled from the records of the county, and the "personal property list," must be turned over to the County Court by the twentieth day of January.

Collector.—The County Collector receives from the County Court, through the Clerk, a copy of the Assessor's books, corrected and adjusted, with the taxes extended thereon. He then gives notice that he will meet the tax-payers at certain places in their respective townships and collect the taxes then due. Taxes not paid by the first day of January become delinquent from that date, and draw a penalty interest of one per cent. a month until paid. After the first day of October, the Collector may "seize and sell the goods and chattels of the person liable for taxes." He is required by law to make a monthly report to the County Clerk of all taxes and licenses received during the preceding month; and on the fifteenth of the month he pays the same into the State and County Treasuries.

Treasurer.—The Treasurer receives all moneys payable into the County Treasury, and pays out the same on warrants drawn by order of the County Court. He keeps a detailed account of all moneys received and disbursed, and makes an abstract of the warrants drawn upon the Treasury. He makes settlements with the County Court every six months, showing the amount of money in his hands

at the time and also the balances of the various funds to be accounted for by him.

Prosecuting Attorney.—This official must be learned in the law, a licensed attorney, and enrolled as such, and twenty-one years of age. Much of his time is occupied with the prosecution of persons charged with crime. He prosecutes all civil and criminal cases where the State or county is concerned, defends in suits brought against the county, and prosecutes in all actions for the recovery of debts, fines and penalties accruing to the county. In cases where a change of venue is taken to another county, he follows the cases and represents his county's interests. He gives his opinion, without fee, to Justices of the Peace, to the County Court, and to any Judge thereof, in civil and criminal matters where the interests of the county are involved. In counties of one hundred thousand inhabitants or more, the County Court may appoint a County Counselor, who shall attend all meetings of that Court and give advice and aid in the transaction of the county business.

Surveyor.—The Surveyor runs lines for new roads ordered by the County Court, runs lines for the division of lands and town lots, and retraces old lines for the benefit of interested parties. He keeps a record of the surveys made by him or his deputies, including a complete description of all corners established by him. In surveying town lots, he describes his lines by directions and distances, making use of houses in the immediate vicinity, and by prolonging lines to the curbstones and properly notching the same. His surveys must be numbered consecutively, and the magnetic variation under which the lines were

run must be entered in the field notes. These records are finally deposited with the Recorder of Deeds. Copies of such records are furnished at any time by the Recorder under the seal of his office upon the payment of the fees required by law.

School Commissioner.—The School Commissioner is the educational officer of the county. He must be twenty-one years of age, a resident of the county for one year, and must hold a first-grade license, a normal diploma, or a State certificate. He is elected on the first Tuesday in April of the odd-numbered years. He reports the educational statistics of the county to the State Superintendent, is President of the County Board of Education, organizes the County Teachers' Association, and has general charge of it. By a vote of the people, "county supervision" may be adopted, in which case all of the time of the Superintendent must be devoted to the schools, and he must visit and inspect them throughout the county.

Probate Judge.—The Judge of Probate is especially charged with the settlement of the estates of deceased persons. Where a will was made by the deceased, the Judge follows its provisions in the disposition of the property, provided it involves no violation of the law. If no will was made by the deceased, then the Judge manages the estate according to the law provided for such cases. The Probate Judge also appoints guardians for minors and persons of unsound mind; attends to the settlement of the accounts of curators, guardians and executors; has charge of all matters pertaining to apprentices, and may solemnize marriages.

Public Administrator.—This official takes charge of estates left without responsible managers, and of children and insane persons who have no legal guardians. He also administers estates of strangers who die without will, heirs or relatives; estates exposed to loss where there is no one to administer them; and estates of minors and insane persons who have no legal guardian.

Compensation.—Provision is made for the compensation of each county official. Most of them are paid fees which are fixed by law for each service. The Prosecuting Attorney receives both fees and salary, the salary varying with the number of people in the county. The Treasurer and Surveyor also receive fees, but in addition they are given definite amounts for certain services, while the Collector is paid commissions which vary with the amount of revenue collected in the county. The Judges of the County Court receive, besides mileage, five dollars per day for the time actually employed. In the larger counties, ranging in population from one hundred and fifty thousand to three hundred thousand inhabitants, the county officers receive stated salaries. Two of them, the Sheriff and Prosecuting Attorney, receive five thousand each; three of them, the Marshal, Collector and Treasurer, receive four thousand each; while the remaining officers receive three thousand each.

Official Tenure:

FOUR YEARS' TERM.—County Clerk, circuit clerk, recorder, assessor, surveyor, probate judge, and public administrator.

TWO YEARS' TERM.—Sheriff, coroner, collector, treasurer, prosecuting attorney, and school commissioner.

CHAPTER VII.

THE STATE.

THE LEGISLATIVE DEPARTMENT.

Introductory.—We come now to a study of the State as an organized form of government, with its larger territory and greater variety of interests. The State is a source of authority to its more limited units. Cities, townships, and counties are largely administrative divisions of the State—organs to do a specific work. But the smaller units cannot legislate for the larger interests of the State. We must have uniform laws to deal with theft, murder and other crimes against society. Laws regulating trade and transportation are made by the Legislature and enforced by the State's executives. The organization and management of corporations, such as railroads, banks, and express, mining and insurance companies, must be regulated by State law.

Branches.—There are three branches or departments of State Government—legislative, executive and judicial. Laws must be made by some responsible body of authority, hence the existence of the Legislative Department; if laws are made, some one must be charged with their enforcement, hence we have an Executive Department; the attempt at the execution of law gives rise to the need

of its interpretation, hence the Judicial Department is provided. The Legislature makes the laws, the executive officers enforce them, and the judicial power, vested in the courts, interprets and applies them.

Legislative Power.—The Legislative Power of the State is vested in the General Assembly, popularly known as the Legislature. It is composed of two houses, the Senate and the House of Representatives.

The House.—The House of Representatives consists of one hundred and forty-two members, divided among the counties of the State and the city of St. Louis as follows: Buchanan County, four; Greene, two; Jackson, six; Jasper, three; St. Louis, two; city of St. Louis, sixteen; and all other counties of the State, one each. Where a county has more than one representative, the County Court divides it into as many districts as it has Representatives; while in the city of St. Louis the Circuit Court divides the city into districts, so as to give to each district not less than two nor more than four Representatives. In each case the Representative must reside in the county or district, and the people thereof elect. His term of office is two years.

Qualifications.—A Representative must be at least twenty-four years of age, and a male citizen of the United States; he must have been a qualified voter of Missouri two years, and an inhabitant of the county or district for one year; he must have paid a State and county tax within one year preceding his election.

Certificate of Election.—The certificate of election, issued by the County Clerk, must include the statement that the person has paid a State and county tax, as required by law.

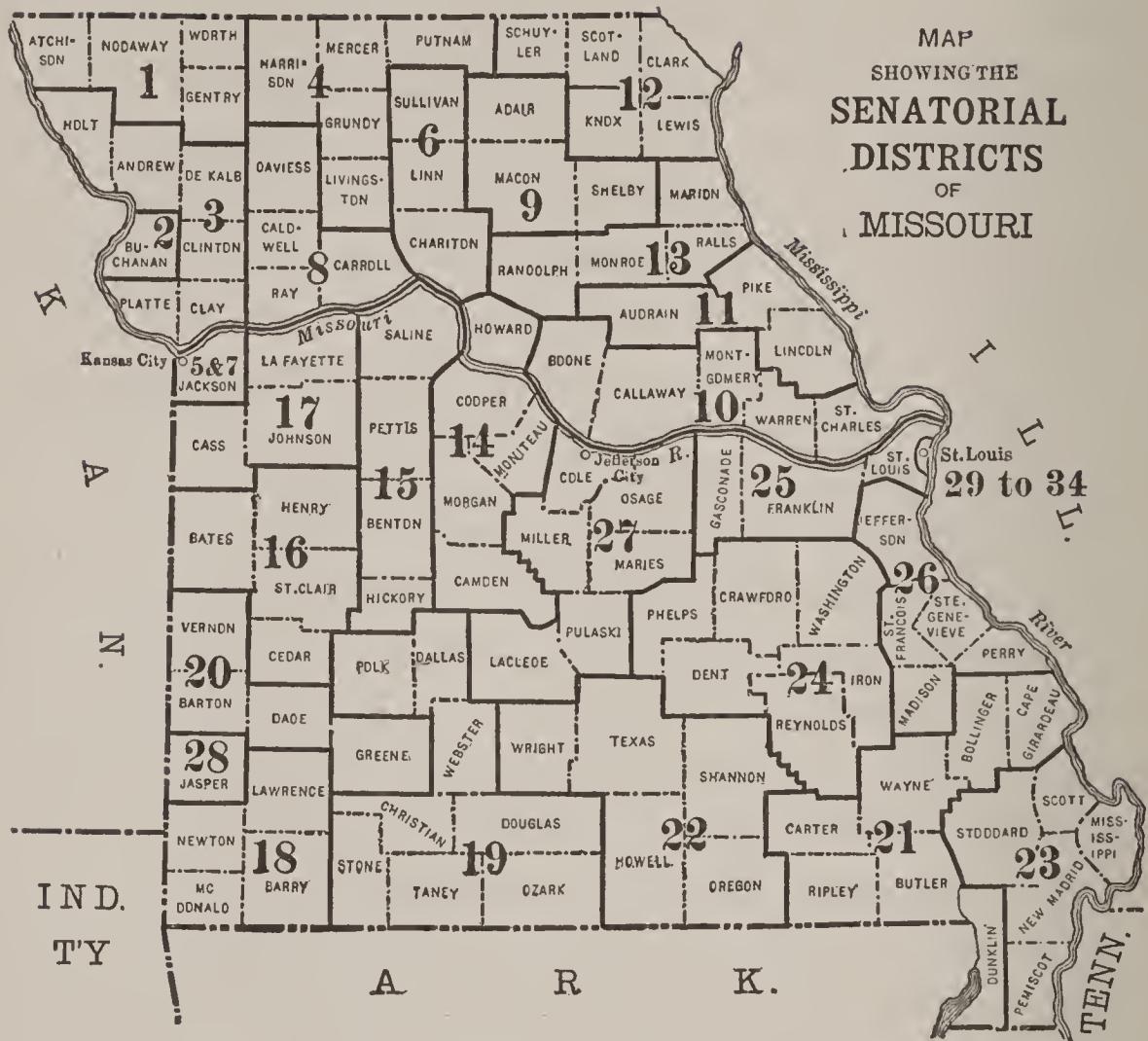
House Officers.—Certain officers are elected at the beginning of each session. The Speaker is the presiding officer of the house; the Chief Clerk and his assistants keep a record of the proceedings; the Sergeant-at-Arms keeps order; besides these, there are a Doorkeeper, Engrossing Clerk, Official Reporter and Chaplain.

The Senate.—The Senate of Missouri consists of thirty-four members, elected by the qualified voters of their respective districts for a term of four years.

Qualifications.—Every Senator must be at least thirty years of age, and a male citizen of the United States; he must have been a qualified voter of the State for three years, and an inhabitant of the district for one year preceding his election; he must have paid a State and county tax within one year preceding his election.

Apportionment.—The State is divided into senatorial districts, thirty-four in number, and one Senator is selected from each of these districts by the qualified voters thereof. Counties having more than one Senator are subdivided into districts corresponding to the number of Senators to which they are entitled. One-half of the Senators are elected every two years, the Senate being divided into two classes. For the first class, composed of Senators from districts having odd numbers, elections will be held in 1908, and every four years thereafter; the second class, composed of Senators from districts having even numbers, will be elected in 1906 and every fourth year following.

Senatorial Districts.—The following map shows the senatorial districts as they were marked out by the Governor, Secretary of State and Attorney-General in 1901:



Senate Officers —The Lieutenant-Governor, by virtue of his office, is the presiding officer of the Senate; the President *pro tem.* presides in his absence; the Secretary and his assistants keep a detailed record of the proceedings; the Enrolling Clerk and the Engrossing Clerk make permanent records of the bills that come before the body; besides these there are Doorkeeper, Sergeant-at-Arms, Official Reporter and Chaplain.

Oath of Office.—Each member of the General Assembly takes an oath to support the Constitution of the United States and of the State of Missouri, and to faithfully perform the duties of his office; he further swears that he will not accept any bribe in any form for the performance or non-performance of any duty.

Compensation.—Members of the General Assembly and the President of the Senate are paid for their services as follows:

1. Five dollars per day for the first seventy days and one dollar per day thereafter.
2. During revising sessions they receive five dollars per day for the first one hundred and twenty days and one dollar per day thereafter.
3. For all regular sessions each member receives, in addition, thirty dollars, in full for stationery, postage, and all other incidental expenses.
4. They also receive mileage for each session, except those called within one day after adjournment. The amount is fixed by law for each county.
5. The speaker of the house, the president *pro tem.* of the senate, and the speaker *pro tem.* of the house receive in addition two dollars for each day's actual service as presiding officer.

Making Laws.—The Constitution carefully prescribes the method of procedure in the making of laws. The following are the salient points:

1. No law can be passed except by bill, and while amendments

may be made in either house, the original purpose of the bill must not be changed thereby.

2. Bills may originate in either house; and every bill must be read on three different days in each house.

3. With the exception of appropriation bills, no bill must contain more than one subject, and that must be clearly stated in the title.

4. Amendments to a pending bill must be incorporated with it by engrossment, and the bill as thus engrossed must be printed for the use of the members.

5. The final vote on any bill must be taken by the yeas and nays, the names of those voting on either side being entered on the journal.

6. No law nor act can be amended by designating that certain changes shall be made, but definite statement must be made as to the changes desired, and then the bill as amended must be set forth in full.

7. No bill can become a law until it has been signed by the presiding officer of each house in open session.

8. The bill is finally presented to the governor for his signature. It becomes a law if he signs it. If he vetoes the bill, it can become a law only by passing each house by a vote of two-thirds of the members elected. If he fails to return it within ten days, by a joint resolution the bill may be enrolled as an authentic act without his signature.

9. A law takes effect ninety days after the close of the session at which it was enacted, unless an emergency clause is adopted.

Powers of Each House.—The following are some of the powers of each house, powers which may be exercised by one house without the sanction of the other: Each house elects its own officers, judges the election returns, and qualifications of its own members; each may punish its own members for disorderly conduct; may punish by fine or imprisonment other persons for disorderly behavior in its presence; by a vote of two-thirds, each may expel its own members for cause; each originates bills and each

may amend or reject those originating in the other house.

Exclusive Powers.—Some powers belong exclusively to one house. The House of Representatives prefers all articles of impeachment, but the Senate tries all impeachments. Appropriation bills originate in the House, but this does not interfere in any way with the power of the Senate to amend or reject such bills.

Prohibitions.—Under other constitutions the State was liberal in granting aid to railroads and other corporations. The powers granted were frequently abused; bonds were issued, in some cases, in favor of projected railroads that were never built; and taxes became burdensome. The people became impatient and distrustful, and the final result was that many very stringent restrictions and limitations were placed in the Constitution. Some of them are enumerated below:

1. The general assembly cannot contract a debt on behalf of the State, nor issue bonds on its behalf, except (1) in renewal of existing bonds when they cannot be paid at maturity; or (2) to provide for some unforeseen emergency, and then only under certain definite limitations.

2. It cannot lend the credit of the State to any individual, association, or corporation for any purpose whatsoever.

3. It cannot authorize any city, town, township, or other subdivision of the State to lend its credit, nor to grant public money or other thing of value to any individual, association, or corporation.

4. Neither can the general assembly grant public money nor other thing of value to any person, association, or corporation.

5. It cannot subscribe stock nor authorize its subscription in any corporation or association.

6. The enactment of local or special laws is prohibited, except after thirty days' notice by publication in the locality concerned. "It would be impossible for the legislature to

become so familiar with the internal or local affairs of counties, cities, townships, wards, or school districts, as to legislate as intelligently in reference to them as the citizens thereof. Mistakes would be made, injustice and hardship would result, and the very purpose and safeguards of government would be subverted to this extent."—*Shannon*.

7. The general assembly cannot remove the seat of government from Jefferson City. Only through the adoption of an amendment to the constitution can this be done. So far such amendment has failed to receive the necessary majority.

Order of Appropriations.—Money can be drawn from the Treasury of the State only by regular appropriations made by law. Such appropriations must be made in the following order:

FIRST—The payment of the interest on the bonded debt of the State.

SECOND—For the benefit of the sinking fund, setting aside not less than two hundred fifty thousand dollars per annum.

THIRD—For free public school purposes.

FOURTH—For the expense of assessing and collecting the revenue.

FIFTH—For the payment of the civil list.

SIXTH—For the support of the eleemosynary institutions of the State.

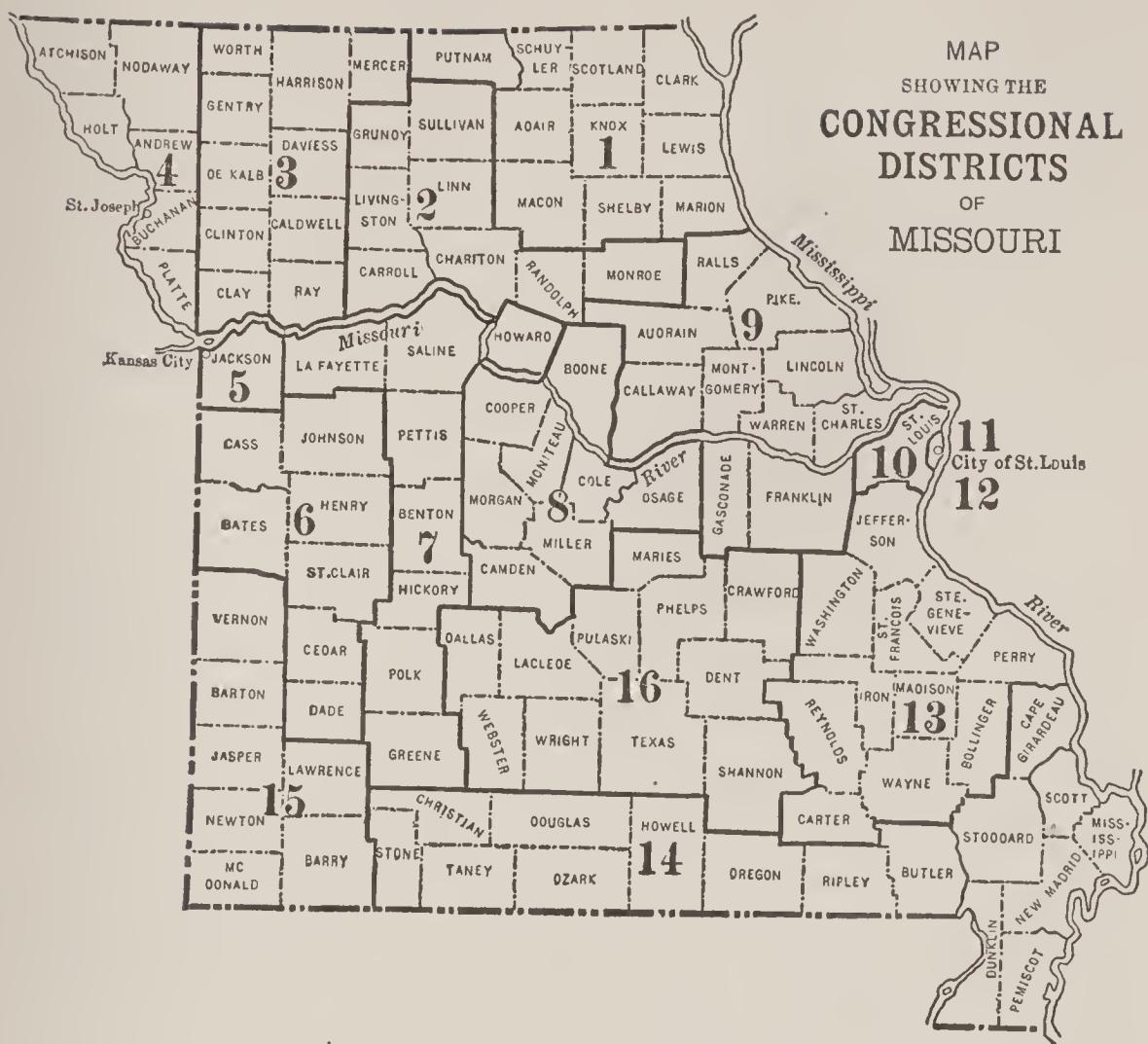
SEVENTH—For the pay of the members of the general assembly, and for such other purposes, not prohibited by law, as may be deemed necessary.

Congressmen.—For a discussion of the qualifications, apportionment and election of Representatives in Congress, see pages 58–62 of this work. Missouri has sixteen members in the Lower House of Congress at this time. By an act of the General Assembly, approved March 16, 1901, the State was divided into sixteen Congressional Districts, as shown in the following map:

THE STATE

47

MAP
SHOWING THE
CONGRESSIONAL DISTRICTS
OF
MISSOURI



CHAPTER VIII.

THE STATE.

THE EXECUTIVE DEPARTMENT.

Power Vested.—The executive power of the State is vested in the Governor, Lieutenant-Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General, and Superintendent of Public Schools. They are elected for a term of four years by the qualified voters of the State at the time of the general election. The Governor and Treasurer cannot serve two consecutive terms. With the exception of the Lieutenant-Governor, the executive officers are required to reside at the seat of government, where the records of their offices must be kept.

Election Returns.—The returns of the election of the above officers are transmitted through the Secretary of State to the Speaker of the House. Immediately after the organization of the General Assembly, the returns are opened by the Speaker in the presence of the two houses, a majority of the members being present. The votes are then counted and the results are announced. The person receiving the highest number of votes for any office is declared duly elected; but if two or more persons receive the highest number of votes, then the General Assembly shall choose one of these candidates by joint ballot.

Governor.—The supreme executive power is vested in the Governor, the chief magistrate of the State. “The Governor shall be at least thirty-five years old, a male, and shall have been a citizen of the United States ten years, and a resident of this State seven years next before his election.”—*Constitution.*

Duties.—He must see “that the laws are distributed and faithfully executed.” He is Commander-in-Chief of the militia of the State, and he may call them out “to execute the laws, suppress insurrections and repel invasions.” He has power to grant reprieves, pardons and commutations. A reprieve temporarily suspends the execution of the sentence; a commutation changes the character of the penalty; and a pardon remits the penalty and releases the offender. The Governor is also required to give to the Legislature, by message or otherwise, information concerning the condition of the State in matters of government, and to make such recommendations as he may deem wise and expedient. He may convene the Legislature in extra session on extraordinary occasions, but he must state specifically in his proclamation each matter concerning which action is desired. He commissions all officers not otherwise provided for by law, fills vacancies in office unless other means have been provided, and makes a large number of appointments to office. All bills and resolutions passed by the General Assembly must be presented to him for approval. In considering appropriation bills, he may approve one or more items and reject others, but in signing the bill he must append to it the items to which he objects, and these shall not take effect.

Lieutenant-Governor.—The Lieutenant-Governor must have the same qualifications as the Governor, since he may be called upon to perform his duties. Though he is not a member of the Senate, he is its presiding officer and performs the duties which usually attach to such a position. He may debate all questions in the committee of the whole, and may give the casting vote in the Senate and also in joint vote of both Houses. “In case of death, conviction on impeachment, failure to qualify, resignation, absence from the State, or other disability of the Governor, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall be removed, shall devolve upon the Lieutenant-Governor.”

—*Constitution.*

Qualifications of Other Officers.—Other State officers previously mentioned must possess the following qualifications:

1. They must be male citizens of the United States.
2. They must be at least twenty-five years of age.
3. They must have resided in Missouri at least five years next before their election.

Secretary of State.—The Secretary of State has charge of the seal of the State, and with it he authenticates all the official acts of the Governor, with the exception of his approval of laws. He keeps a register of the official business transacted by the Governor, and when requested to do so, he must attest the same and lay copies before the General Assembly. He receives the election returns of the State and county officers, performs the duties of the Register of Lands, and makes reports on special subjects when demanded. He preserves in his office the

papers, journals and proceedings of both Houses of the General Assembly. Upon proper application, he issues articles of association to private corporations, including railroads, telegraph and telephone companies, savings banks and fund companies, benevolent associations and manufacturing companies. It is made his duty also to visit banks and fund companies at least once each year, or to have it done by a competent person.

Treasury Department.—“A special department is hereby established, to be known as the Treasury Department, which shall embrace the offices of State Treasurer and State Auditor.”—*Statutes.* These two officers handle large amounts of the money, bonds and securities of the State. Heavy bonds are required of them, and every precaution is taken to guard the interests of the State. Before entering upon the discharge of his duties, the Treasurer is required to give a bond in the sum of five hundred thousand dollars, with ten sureties, conditioned upon the faithful discharge of his duties. Both bond and sureties are subject to approval by the Governor. The bond must be renewed every two years and oftener if the Governor shall demand it. In like manner the Auditor must execute a bond in the sum of fifty thousand dollars, subject to approval by the Governor. Each of these officers appoints a Chief Clerk, who must be thoroughly competent to perform all the duties prescribed by law.

Auditor.—The Auditor is the general accountant of the State. He keeps the public account books, vouchers, documents, bonds and coupons, and all papers relating to them. He also keeps an account of the contracts made by the State and of its revenue and other fiscal affairs.

As enumerated in the statutes, his general duties are as follows: To audit, adjust and settle all claims against the State that are payable out of the Treasury; to draw all warrants upon the Treasury for money, except as otherwise provided, expressly stating in each case the fund out of which the warrant is to be paid; to settle, audit and adjust the accounts of collectors of revenue; to keep an account between the State and the State Treasurer; to keep an account of the debts and credits between the State and the United States; to direct prosecutions against persons for deficiencies in the assessment, collection and payment of revenue. At the beginning of each session of the General Assembly he reports in detail to that body the condition of the revenues of the State, and the expenditures during the two preceding years; makes a detailed statement of the public debt, gives an estimate of the revenues needed for the two succeeding years, and formulates any plans that he may think expedient for the support of the public credit.

Treasurer.—The State Treasurer has charge of all moneys belonging to the State not legally kept by other persons. He pays out these moneys only on warrants properly drawn on the Treasury. He keeps a full account of the funds of the State and of the appropriations made from them. He is required by law to make a monthly report to the Governor, including a statement of the amount of money received during the month, the amount paid out during the same time, the balances on hand to the credit of the various funds, and the actual amount of money in his vaults at the time of the report. At the beginning of each session of the General Assembly he

makes a detailed statement of the condition of the Treasury, including an account of its operations during the two preceding years.

Attorney-General.—The chief law officer of the State is the Attorney-General. By direction of the Governor it becomes his duty to assist the Prosecuting Attorney of any county in the discharge of his duties. When requested to do so, he gives his written opinion upon points of law to the General Assembly or to either House, to any State officer, and to the Prosecuting Attorney of any county. He appears in behalf of the State in the Supreme Court to prosecute or defend, “as the case may require, all appeals and writs of error to which the State may be a party.” It is his duty also to institute such suits and proceedings as may be necessary to protect the rights and interests of the State.

School Superintendent.—The general supervision of education is entrusted to a Superintendent of Public Schools, who must possess the qualifications required of other State officers. He has general supervision of the school funds of the State, with a view to their safety and their correct distribution. He has power to require reports of county and town officers and boards of education concerning the condition of the schools, the management of the funds, and to collect other educational statistics from them. He looks after the publication and distribution of the school laws, gives advice concerning their requirements, and aids in the execution of their provisions. He issues an annual report in which full statistics are given concerning the schools and the school funds, and in which he makes such recommendations as he may deem wise. He examines

teachers with a view to granting State certificates, and prescribes rules for the collection of educational information. He must also spend five days annually in each congressional district of the State, consulting with school boards and other educational officers, delivering educational lectures, visiting schools, and in other ways stimulating school sentiment and activity.

Railroad Commissioners.—There is a Railroad and Warehouse Commission composed of three members, elected for a term of six years. One Commissioner is elected every two years at the time of the general election in November. No one in the employ of any railroad company or owning the bonds or stock of such a company can be a member of this Commission. Upon receiving evidence that citizens have been charged unjust and unreasonable rates on freight transported beyond the State or on shipments into the State, it becomes the duty of the Commissioners to file a formal complaint with the Interstate Commerce Commission and to demand a hearing. They also hear complaints concerning violations of the law within the State, investigate the charges, and, if necessary, demand that the irregularities be corrected. They inspect depots, bridges, road-beds and rolling stock, and if they are found to be in an unsafe condition, the Commissioners direct that the needed repairs be made. They have similar power over express companies and other common carriers. Warehouses are also subject to inspection by the same commission as to their condition and management in so far as the interests of the public may be involved.

Salaries.—The salary of the Governor is five thousand dollars. Besides this he is provided with a furnished resi-

dence in which to live, known as the Governor's Mansion. The Secretary of State receives a salary of twenty-five hundred dollars, and in addition he is allowed to retain fees to the amount of five hundred dollars per year. The Lieutenant-Governor is given one thousand dollars per year and an additional seven dollars per day during the session of the Senate. The State Treasurer, the Auditor, Attorney-General, Superintendent of Schools, and the Railroad Commissioners receive three thousand dollars each. These salaries are paid out of the State Treasury in monthly installments at the end of the month.

Impeachments.—Officers of the State are subject to impeachment and removal from office “for high crimes and misdemeanors, and for misconduct, habits of drunkenness, or oppression in office.” The House of Representatives prefers impeachments, while the Senate as a court tries them. Before beginning the trial, each Senator is sworn to do justice according to the law and evidence. In case the Governor is on trial, the Chief Justice of the Supreme Court presides. Conviction on impeachment requires the vote of two-thirds of the Senators present, and the penalty assessed can extend only to removal from office and disqualification to hold any office of honor, trust or profit in the State.

Executive Boards.—There are five executive boards provided for by the law. They are composed of State officials and have in charge the general management of certain departments of government. They are as follows:

Penitentiary.—It is the duty of this board to visit the State Prison once a month, and oftener, if necessary, and inquire into the management, discipline and policy of the

institution; look into the character of the punishment used and the means employed, and investigate the sale and purchase of articles and materials. They must make a detailed report to the Legislature every two years, including an inventory of the property under their control, an account of the employment of the convicts, a statement showing the money received from all sources, and the contracts entered into during the time.

Equalization.—“The duty of said Board (of Equalization) shall be to adjust and equalize the valuation of real and personal property among the several counties in the State, and it shall perform such other duties as shall be prescribed by law.”—*Constitution.*

Public Printing.—It is the duty of the Commissioners of Printing to see that the printing done for the State is executed in a suitable manner and according to legal requirements. They keep an account of the paper furnished the Public Printer, and see that it is used without needless waste. The executive officers make their orders for printing through these Commissioners, who see that the full number of copies is delivered in each case. They examine and audit all accounts for printing and binding, and see that all mistakes in the bills are corrected and adjusted.

Education.—The State Board of Education has general supervision of the entire educational interests of the State. It directs the investment of all moneys received by the State to be applied to the capital of any fund for

STATE TREASURER,
STATE AUDITOR,
ATTORNEY-GENERAL.

GOVERNOR,
STATE AUDITOR,
STATE TREASURER,
SECRETARY OF STATE,
ATTORNEY-GENERAL.

STATE AUDITOR,
STATE TREASURER,
SECRETARY OF STATE.

SCHOOL SUPERINTENDENT,
GOVERNOR,
SECRETARY OF STATE,
ATTORNEY-GENERAL.

school purposes, and they see that all funds are applied as they were intended, whether they came "by grant, gift, devise or law."

GOVERNOR,
STATE AUDITOR,
STATE TREASURER,
ATTORNEY-GENERAL.

Fund Commissioners.—This Board is a part of the Treasury Department, and exercises supervisory control over it. It directs the payment of interest on the State debt, and also directs the issue, redemption and cancellation of the bonds of the State.

Appointive Officers.—By the advice and consent of the Senate, the Governor appoints several important executive officers, whose duties are given in the following paragraphs:

Superintendent of Insurance.—The insurance laws of the State relate to the policies of both life and fire companies. The chief officer of the department is the Superintendent of Insurance. He must be a citizen of the State and experienced in matters of insurance. He must file and preserve in his office at Jefferson City all the records, books, and papers of the department. He issues certificates of authority to insurance companies to transact insurance business in the State, and gives certificates of authority to organize insurance companies. He executes the insurance laws of the State, inquires into the management of companies incorporated under our laws or doing business in the State, and has full power to prosecute any company for violating the insurance laws.

Warden of the Penitentiary.—Subject to the limitations prescribed by the Board of Inspectors, the Warden controls and manages the penitentiary, including the enforcement of all rules and orders of the Board. He prescribes

the kind and quantity of food for the convicts and attends to the financial affairs of the prison, keeping a true account of moneys received and disbursed. He purchases all raw materials needed for manufacture by the convicts, and lets contracts for supplying the institution with clothing, provisions, medicines and other necessary articles.

Adjutant-General.—Next to the Governor, the Adjutant-General is the chief military officer of the State. He transmits orders from the Commander-in-Chief, keeps a registry of all officers of the militia, and a record of all promotions, appointments and resignations, enlistments, discharges, deaths and desertions, together with all other matters pertaining to the organization of the militia. He is *ex officio* Quartermaster-General, Paymaster-General, Chief of Ordnance, Commander-General, and performs such duties as pertain to these offices.

Inspections.—Inspection officers are appointed for the execution of laws which have for their purpose the purity of manufactured articles, the facilitation of business, and the protection and safety of persons in mines and factories. The most important of these are inspectors of petroleum, tobacco, grain, beer and of mines and factories.

Petroleum.—An Inspector of Petroleum is appointed by the Governor for a term of two years for each of the cities of St. Louis, Kansas City, St. Joseph and Hannibal, and for such other places as may petition therefor. These officials must inspect “petroleum oils, kerosene, or any product of petroleum,” whenever called upon by the owner, manufacturer or dealer. Specific directions are given in the statutes concerning tests of oil to be made and the brands to be affixed by the Inspector.

Tobacco.—The Governor appoints a Tobacco Inspector for the city of St. Louis. He must be “a discreet, suitable person,” says the law, and must give bond to the city of St. Louis to be approved by the Mayor. He must not buy nor sell tobacco, except of his own raising, “but shall auctioneer and cry off all inspected leaf tobacco, for the owner or agent, sold at the warehouse.”—*Statutes*. All persons keeping tobacco warehouses in St. Louis for the purpose of selling leaf tobacco “prized in hogsheads,” must have such tobacco inspected before sale by the State Inspector, and by no other. Rules are given for weighing, marking and branding inspected tobacco, and severe penalties are prescribed for violating the provisions of the law.

Grain.—The Board of Railroad Commissioners appoints a Chief Grain Inspector for the State. He must be a grain expert, and must not be a member of any board of trade nor interested in any way in any warehouse in the State. All grain delivered at the public warehouses must be inspected and graded by an authorized Inspector and stored with grain of similar grade. The Chief Inspector has general supervision of grain inspection, under the advice and direction of the Board of Railroad and Warehouse Commissioners. This Board prescribes the rules and regulations to be followed by the Inspectors, and establishes the number of grades and the standards for them.

Beer.—The Governor appoints the Beer Inspector who holds his place for a term of four years. He must be an expert beer brewer, a citizen of the United States and of this State for more than two years preceding his appointment. All beer or other malt products manufactured in

the State or brought into the State for sale must be inspected by this officer and properly stamped and labeled. All fees for inspection go into the State Treasury.

Labor.—A Labor Commissioner is appointed for a term of two years, who keeps his office at the seat of government. It is his duty to inspect factories, warehouses and tunnels, workshops, elevators and mines. Attention is given to hygienic conditions, the number of doors and windows, stairways and fire-escapes. He gathers statistics concerning labor and labor conditions in the State, and uses his influence to settle disputes and differences between employers and employees.

Other Boards.—The State Board of Health has general supervision of the health interests of the State. It issues licenses on examination to those who wish to practice medicine, and makes quarantine regulations. It is composed of seven men appointed by the Governor.

The State Board of Agriculture is composed of the Governor, the Dean of Agriculture, the State Superintendent of Schools, and one member from each Congressional District in the State. It has to do with the protection, development and improvement of the agricultural interests of the State.

Besides these there are the Board of Geology and Mines, the Fish Commission, and the Board of Immigration, whose duties are rather more limited than those already discussed.

CHAPTER IX.

THE STATE.

THE JUDICIAL DEPARTMENT.

Power Vested.—The judicial power of the State is vested in the Courts of the Justices of the Peace, the County Courts, the Municipal Corporation Courts, Probate Courts, Circuit Courts, Criminal Courts, Courts of Common Pleas, Courts of Appeals, and the Supreme Court of the State. The first four of these have been considered in previous chapters ; the others will be discussed in the following paragraphs.

Courts of Record.—Courts of Record are required by law to keep a faithful and just record of their proceedings. The five last mentioned in the above paragraph are placed in this class by the statutes of the State. Every Court of this class must keep a seal, “with such emblems and devices as the Court may think proper.”

General Powers.—All courts have power to issue such writs as may be necessary to the exercise of their authority. Interpreters and translators may be employed by the Court to interpret testimony or translate such writings as may be necessary to determine any case. Special or adjourned terms of Court may be held under certain conditions and limitations. A Grand Jury may be called at such special terms, and the trial of criminal cases

may proceed as at regular terms; and the Court may, by the consent of the parties, exercise its ordinary jurisdiction in civil cases. Every Court may punish for disorderly conduct in its presence, breach of the peace or noise tending to interrupt its proceedings, willful disregard of any order or process of the Court, willful resistance to any order, and refusal to be sworn as a witness or to answer legal questions when sworn.

Docket.—A docket is a list of cases to be tried at any term of Court. The Clerk of each Court of Record, under the direction of the Judge, must make out two dockets—a court docket and a bar docket—properly arranging the order of procedure, with due time assigned to each case.

Records.—All Court records in Missouri are kept in the English language, except such technical terms and processes as are now commonly used. It is the duty of the Judge to supervise the work of the Clerk and to inquire into the manner of keeping the rolls and records of the Court; to prescribe rules for securing uniform, systematic and accurate records; and to see that all entries required by law be properly made and at the right time. The proceedings of the Court for each day are read in open Court on the morning of the following day, except on the last day of the term, when they are read in full, and the Judge signs them at the time of adjournment.

Limitations on Judges.—No Judge may sit in the trial of any case in which he is interested, related to either party, or in which he has been counsel, without the express consent of the parties to the case. With the exception of Judges of the County Court, no Judge can act as attorney in any court in the State, except as permitted by

law; neither can such Judge have a partner who practices in the Court over which he presides.

Juries.—A jury is a body of men selected and enrolled according to law, and “sworn to inquire into and try any matter of fact, and to render their true verdict according to the evidence legally adduced.” “Every juror, grand and petit, shall be a male citizen of the State, resident of the county, sober and intelligent, of good reputation, over twenty-one years of age and otherwise qualified.”—*Statutes.* There are two kinds of juries, petit juries and grand juries.

Grand Jury.—A grand jury in Missouri is composed of twelve men, any nine of whom may find an indictment or a true bill. When assembled it has power to investigate violations of the criminal laws of the State and to return indictments for every character and grade of crime. The proceedings are conducted under an oath of secrecy, but it has full power to send for witnesses and to compel them to testify. An indictment by the grand jury brings the accused into court for trial.

Petit Jury.—The petit jury is the trial jury, and it investigates both civil and criminal matters. All sessions are public, and the accused, in criminal cases, has the right to a speedy trial by his peers. In Courts of Record the jury is composed of twelve men. In civil cases any nine may bring in a verdict, but in criminal cases the vote of the entire number is required. In the latter case only the foreman of the jury signs the verdict, while in the former it is signed by all who agree to it.

Selection of Juries.—The County Court selects the jurors by lot. The names of two hundred qualified jurors, an

equal number from each township, as near as may be, are selected by the court. The names of such persons and the townships from which they are selected are written on separate slips of paper of the same size and kind, and all names from any one township are placed in a box prepared for the purpose. The County Clerk, in the presence of the court, so situated as to be unable to see the names, draws the slips from the box, one at a time, until he gets the required number from such township. This is repeated for each township until he has drawn the names of twenty-four persons who shall serve as jurors for the ensuing term of court.

Circuit Courts.—The Circuit Courts serve the interests of a large number of people. They have jurisdiction over both civil and criminal matters. At least two terms of court are held in each county every year. Their main features will be found in the following paragraphs:

Qualifications of Judges.—A judge of the Circuit Court must be thirty years of age, must have been a citizen of the United States five years, a qualified voter of the State three years, a resident of the circuit for which he was elected, and he must be learned in the law. He is a conservator of the peace in his district or circuit.

Election of Judges.—The judges of the Circuit Courts are elected by the people of their respective circuits for a term of six years. Their names appear upon the tickets with the county candidates, and the election is held at the time of the general election in November.

Number of Judges.—At least one judge must be elected from each judicial circuit. In circuits having more than one judge, the judges hold separate sessions of court for

the trial of cases. Jasper and Buchanan Counties have two judges each; Jackson County has six, and the city of St. Louis has twelve. This makes a total of fifty-one circuit judges in the entire State at this time.

Judicial Circuits.—The General Assembly divides the State into judicial circuits, basing their size upon population and the amount of legal business involved. The following map shows the circuits as they were in 1905:



Jurisdiction.—The Circuit Courts of the State have jurisdiction (see page 162) in the counties in which they are held, as follows:

FIRST—As courts of law, in all criminal cases not otherwise provided for by law.

SECOND—Exclusive original jurisdiction in all civil cases not cognizable in the lower courts and not otherwise provided for.

THIRD—Concurrent original jurisdiction in certain cases defined in the statutes.

FOURTH—Appellate jurisdiction from judgments of lower courts, in cases not expressly prohibited.

FIFTH—They have superintending control over county, probate, and justices' courts, and general control over guardians, administrators, minors, idiots, and lunatics.

Salaries of Judges.—The compensation of judges is regulated by the laws of the State, but it cannot be increased nor diminished during the time for which they were elected. Each judge receives from the State a salary of two thousand dollars and his expenses in attending court in other places than that in which he lives. In some circuits this amount is supplemented from the local treasury. The judges of Jackson County receive thirty-five hundred dollars, and those of St. Louis about six thousand dollars.

Common Pleas Courts.—Four Courts of Common Pleas have been established in the State. They are Courts of Record, “and possess all the powers, perform the duties, and are subject to the restrictions” of such courts. The territorial limits of these courts are set forth in the statutes of the State, and are subject to change by the General Assembly. A clerk of each court, who must possess the qualifications of the Circuit Clerk, is elected for a term of four years by the voters of the district. These courts are located at Louisiana, Hannibal, Cape Girardeau and Sturgeon.

Louisiana.—The Louisiana Court of Common Pleas dates back to 1853. It is established for Buffalo, Salt River, Peno and Calumet townships, and its sessions are held

in the city of Louisiana. Its jurisdiction is largely concurrent with the Circuit Court, including civil cases, cases for or against boats and vessels, control over Justices of the Peace in the townships mentioned and appeals from Justices' Courts. It also has exclusive original jurisdiction in appeals from the Recorder of Deeds of the city of Louisiana. The judge of the tenth judicial circuit is *ex officio* judge of this court.

Hannibal.—This court, known as the Hannibal Court of Common Pleas, was organized in 1845. It includes Mason and Miller townships in the county of Marion, and its sessions are held in Hannibal. It has exclusive original jurisdiction in all civil actions and in such criminal actions as are brought in the Circuit Court. It has superintending control over the Recorder of the city of Hannibal and over the justices of the two townships. It has exclusive jurisdiction of appeals from the Recorder of Deeds of the city and from the Justices of the Peace of those townships. The Circuit Judge of the tenth judicial circuit is also judge in this court.

Cape Girardeau.—This court was established in 1851, within and for the city, township and county of Cape Girardeau. Its jurisdiction is very similar to that of the Louisiana Court of Common Pleas, but includes in addition the business usually transacted by the Probate Judge. The judge of this court, who must possess the qualifications of a Circuit Judge, is elected by the people of the county for a term of four years. His salary is paid in the same manner as the salary of the Circuit Judge.

Sturgeon.—The territory of this court lies within the limits of several counties, as marked out by the statutes.

In civil cases it has original jurisdiction with the Circuit Courts and with Justices of the Peace in cases not exclusively belonging to the latter. With the Circuit Courts it has superintending control over Justices of the Peace and jurisdiction over appeals from such courts. The judge of the ninth judicial district is *ex officio* judge of this court.

Criminal Courts.—Criminal Courts may be established in counties whose population exceeds fifty thousand. A judge is elected for each court who must possess the qualifications of a Circuit Judge. Criminal Courts have been established in Jackson, Buchanan and Greene counties, and in the fifteenth judicial circuit.

Fifteenth Judicial Circuit.—The jurisdiction of the Criminal Court of this district is the same as that of the Circuit Court in criminal cases, and extends in appellate jurisdiction to all breaches of the peace and to violations of city and town ordinances. It has power to issue, hear and determine writs of *habeas corpus*. The Circuit Clerks of the counties composing the circuit are *ex officio* clerks of the Criminal Court.

Jackson County.—The judge of the Jackson County Criminal Court is elected for a term of six years by the qualified voters of the county. He must be at least thirty years of age, must have resided in the State one year, and must be a resident of the county. He has the same power in criminal matters as the Circuit Judge, and the court has exclusive original and appellate jurisdiction of criminal offenses in Jackson County. The Clerk of the Court is elected by the people of the county.

Buchanan County.—This court has exclusive original jurisdiction of criminal cases in Buchanan County, with

certain exceptions; exclusive appellate jurisdiction in all criminal cases appealed from Justices' Courts, and in appeals from Municipal Courts. The judge is elected by the voters of the county for a term of four years. He has power to issue, hear and determine writs of *habeas corpus*, and may admit to bail such persons as are entitled thereto, and has the same power in criminal matters as the Circuit Judge. The Circuit Clerk of the county is the Clerk of the Criminal Court.

Greene County.—The same general provisions apply here as in Buchanan County. The Clerk of the Court, however, is elected by the people of the county for a term of four years.

Criminal Correction.—Corresponding in rank to the Criminal Courts above discussed and possessing about the same powers, is the Court of Criminal Correction in the city of St. Louis. It has exclusive original jurisdiction of all misdemeanors which are punishable by fine or imprisonment or both. It has appellate jurisdiction in criminal cases appealed from Justices' Courts of the city, and concurrent jurisdiction with the Police Court in cases of misdemeanor under State law, which are also violations of the city ordinances. It is made the duty of the Chief of Police to report the names of persons charged with misdemeanors to the Assistant Prosecuting Attorney. The judge of the court, who is elected by the people for a term of four years, must have the qualifications of a Circuit Judge. A Clerk and a Prosecuting Attorney and his assistant, all serving this court, are also elected by the voters of the city for a term of four years.

Courts of Appeals.—In order to relieve the Supreme Court, two Courts of Appeals have been established, one in Kansas City for the western half of the State, and one in St. Louis for the eastern half. Cases taken to these courts include those involving the construction of the Constitution of the State and of the United States, the construction of the revenue laws, and titles to office and to real estate in Missouri, and cases in which a county or other political division of the State is a party, and in all cases of felony.

The Judges.—Each court consists of three judges who are elected by the voters of their respective districts for a term of twelve years, one being elected every four years. The judges must possess the qualifications of judges of the Supreme Court, and in addition they must be residents of the districts from which they are elected. The judges of the Kansas City Court receive a salary of \$3,500, while those of St. Louis receive \$5,500 each.

Supreme Court.—The Supreme Court is the highest judicial tribunal in the State. It is composed of seven judges who are elected by the voters of the State for a term of ten years. It meets at the seat of government, Jefferson City, in a building erected by the State at a cost of \$200,000. The Chief Justice, who is also the presiding officer, is elected by the court. The judges receive a salary of \$4,500.

Divisions.—There are two divisions of the court; number one consisting of four judges, and number two consisting of three judges. Number one passes upon civil and equity cases only, while number two has as its special work the review of all criminal cases. A majority of

the judges in a division constitutes a quorum for the transaction of business. All opinions must be in writing, and they constitute a part of the record of the court. Each division elects its own presiding judge.

Court in Banc.—The full court may sit together to hear arguments and determine questions of law, when either division cannot agree upon an opinion, when a division of the court is equally divided in opinion, when a federal question is involved, and when ordered to do so by one division of the court.

Qualifications of Judges.—“The judges of the Supreme Court shall be citizens of the United States, not less than thirty years old, and shall have been citizens of this State for five years next preceding their election or appointment, and shall be learned in the law.”—*Constitution*.

Jurisdiction.—The jurisdiction of the Supreme Court is largely appellate; that is, it hears cases on appeal from Trial Courts. It may affirm the verdict of the lower court; point out its errors, if they have been committed, and send the case back for a new trial; or it may reverse and dismiss the case. It has general superintending control over all other courts; and may issue certain remedial writs,—writs which afford relief or remedy, or abate a nuisance.

National Courts.—Missouri is a part of the eighth judicial circuit of the United States, and it contains two of the divisions of the United States District Courts, the eastern district of Missouri and the western district of Missouri. A judge, an attorney and his assistant, and a marshal are appointed for each district. The eastern district has two divisions, the eastern and the northern; and the

western district has five divisions, the western, the St. Joseph, the southern, the central, and the southwestern. Two sessions of the Circuit Court and two of the District Court are held every year in each district. (See page 160.)

CHAPTER X.

SUFFRAGE AND ELECTIONS.

Introduction.—Suffrage, or the right to vote, is not an inherent right of citizenship. Not all citizens have the right of suffrage; children never vote, though they may be citizens under the constitution; women seldom vote, and others vote only when the right is conferred by law. In some States none but a citizen is allowed the ballot, while in others persons are given the right to vote before they have completed their citizenship. With few exceptions, the right of suffrage is limited to male citizens twenty-one years of age. Additional qualifications are prescribed at times which limit very much the number of men who participate in the selection of public officials. The whole question, however, is regulated by State constitutions and State laws, each State prescribing its own conditions and qualifications and managing its own elections by the aid of such laws as it chooses to enact. The main features of the Missouri election laws are presented in this chapter.

Voting Classes.—Two classes of persons may vote under the laws of Missouri, viz.:

1. Male citizens of the United States.
2. Males of foreign birth who have declared their intention of becoming citizens, not less than one year nor more than five years before offering to vote.

Qualifications.—They must, however, possess the following qualifications:

1. They must be more than twenty-one years of age.
2. They must have resided in the State one year immediately preceding the election at which they offer to vote.
3. They must have resided in the county, city, or town sixty days preceding the election.

Exceptions.—Certain classes are denied the right to vote in this State:

1. Persons kept at a public poorhouse or asylum, except that inmates of the federal and confederate homes in this State may vote at all elections.
2. All persons convicted of felonies or other infamous crimes, and persons convicted of misdemeanors in connection with the exercise of suffrage.
3. Officers, soldiers, and marines in the army or navy of the United States.
4. Persons confined in public prisons may not vote in Missouri.

Protection to Voters.—Voters cannot be arrested during their attendance at elections, nor while going to or returning therefrom, except for treason, felony or breach of the peace. This is a safeguard against the imprisonment of voters with a view to the defeat of an honest election.

Time of Elections.—The General Election is held on the first Tuesday after the first Monday in November of the even numbered years, as in 1906, 1908, etc. The time may be changed by the General Assembly by a vote of two-thirds of each House. City, town and school elections are held in the spring of the year. Special election to fill vacancies may be held at other times, the time being fixed by the Governor when he issues the call.

Qualifications for Office.—In order to hold office in Missouri, civil or military, a person must (1) be a citizen of

the United States, and (2) he must have been a resident of the State one year immediately preceding his election or appointment. No one holding any office of profit under the United States can be elected or appointed to any office under this State. On pain of removal from office, every officer must give his personal attention to the duties of his position.

Australian Ballot System.—The law governing elections in this State is a modification of the Australian ballot system. Its essential features are its provision for a primary election in the nomination of candidates, the registration of voters in the larger cities, an official ticket and a secret ballot.

Registration.—In cities of twenty-five thousand and less than one hundred thousand inhabitants a registrar of voters is elected, whose duty it is to register all legal voters. All persons are listed who take the prescribed oath and possess the qualifications of electors as given in the laws and constitution of Missouri. Special days are appointed and announced by the County Court, and the registration is made by the officers at the various voting places in the election districts. After making the registration the books are returned by the officers to the County Clerk, to be kept by him subject to public inspection. In cities of one hundred thousand or more inhabitants, a Board of three Election Commissioners is appointed by the Governor. This board manages all matters concerning the elections, including the registration of voters. It divides the city into election precincts, appoints the clerks and judges of elections, selects the places of registration, making publication of them ten days in advance. It makes

a general registration every presidential year, and every election year it revises the lists as directed by law. The same requirements are imposed here as in the case of the smaller cities.

Nomination of Candidates.—Candidates for public office may be nominated by three methods under the law now in force: (1) By a convention of delegates called for that purpose by the central committee of a political party; (2) by a primary election authorized by the central committee of the party; and (3) by petition signed by one per cent. of the voters of the last election or by one per cent. of the registered voters.

By Primary.—Primaries may be held in cities and counties of one hundred thousand inhabitants. A primary is an election (not a convention) held by the members of a political party for the purpose of nominating candidates for office, or for the purpose of selecting delegates to a nominating convention. The call for the primary is issued by the central or managing committee of the party. In the county primary three persons are named in the call issued by the committee to act as judges of the election. These judges manage the voting, protect the primary from fraud, and canvass and count the votes. They appoint two clerks to assist in counting the votes and managing the election. In city primaries the Board of Election Commissioners takes charge and makes all preliminary arrangements, giving the notices, selecting polling places, printing the ballots and providing poll-books. The method of voting is similar to that employed in a regular election. To be eligible to vote in these primaries, a person must be a member of the political party

holding the primary or be willing to vote for its candidates in the next election; and he must possess the legal qualifications of an elector, as given in the first part of this chapter. The polls are open in the afternoon only, from one o'clock until eight o'clock.

Certificates of Nomination.—Certificates of nomination must be issued to all nominees. Nominations made by primaries must be attested by the chairman and secretary of the central committee, and nominations made by a convention must be attested by certificates signed by the chairman and secretary of such convention. Certificates of nomination for all offices to be filled by the electors of the entire State, or of any division larger than one county, must be filed with the Secretary of State within a certain limited time; and all other certificates of nomination must be filed with the County Clerk.

Publication of Names.—Eighteen days before an election the Secretary of State certifies to the County Clerk the names of persons whose certificates of nomination are on file in his office. It then becomes the duty of the County Clerk, at least seven days before the election, to publish in one or more newspapers in the county the names of the candidates certified to him by the Secretary of State, together with those on file in his own office. The names as thus published shall be arranged as they appear upon the printed ballot.

Official Ballot.—Under the direction of the County Court and by its order, the County Clerk prints the official ballot of every election held in his county, including in it the names of candidates as mentioned in the preceding paragraph. The name of the political party making the

nominations appears in the heading of the ticket, and the ballot must contain the names of the candidates nominated by that party, and no others. Below each candidate's name is left a blank space large enough to contain a written name. These ballots must be printed on the same kind of paper, and all must be of the same size, "so that they may not be distinguished the one from the other by the backs of them." The clerk prints one hundred of these for every fifty or fraction of fifty voters in each party. At the proper time the tickets or ballots are delivered to the judges.

Judges and Clerks.—Outside the large cities the County Court establishes the election districts and precincts, locating two or more in each township of the county. It appoints four judges of election for each precinct, and they in turn appoint four clerks. Judges and clerks must be able to read and write, and must be qualified to vote in that election. The judges manage the election, receive the ballots as they are prepared by the electors, number them, and place them in the ballot-boxes; and they finally count the votes cast in their respective districts, and make returns of the same to the County Clerk. The clerks keep a record of the voting according to forms prescribed by law.

The Polls.—The polls, or voting places, are opened by the judges at seven o'clock in the morning, and they close them at six or sundown, except in the large cities where the polls are open from six in the morning until seven in the evening. During this time all of the voting must be done. Poll-books, tally-sheets and ballot-boxes are furnished by the County Court. Booths are erected that the

voters may be screened from observation while they prepare their ballots. A guard or rail is so constructed that only those within the rail can approach within five feet of the ballot-boxes or the booths.

Voting.—As the elector passes behind the guard, the judges give him one ticket of each political party, upon the back of which will be found the names or initials of two of the judges. He enters the booth, prepares his ballot by making such changes and substitutions as he desires, so folds it as to conceal the face of it, and delivers it to one of the receiving judges, who numbers it and places it in the ballot-box. All rejected tickets are returned to the other receiving judge. But one person is allowed in a booth at a time, and only the election officers and the voters who are preparing their ballots are permitted behind the railing. If an elector is unable to prepare his ballot from inability to read and write, or from physical defect or weakness, he may have the judges prepare it under his direction.

Returns.—Within two days after the election one poll-book is delivered to the County Clerk who, by the aid of two Justices of the Peace, or two Judges of the County Court, examines and casts up the votes given to each candidate. He then issues certificates of election to all candidates for county offices who have received the highest number of votes. He also transmits to the Secretary of State an abstract of the votes cast for all other officers. The Secretary of State counts these, with the exception of those for the State offices, and issues certificates of election to the successful candidates for Congress. He certifies to the Governor the names of the judges elected to

the Supreme Court, the Circuit Courts and the Courts of Appeals. Within two days after the meeting of the Legislature he lays before each House a list of the members elected thereto. The returns for the State officers are cast up and counted by the General Assembly, the two Houses meeting in joint session for that purpose.

Corrupt Practices.—All forms and grades of bribery in connection with primaries or elections are prohibited under very severe penalties. The use of force, threats, violence or restraint, in order to influence in any way the vote of a person, is declared to be a misdemeanor punishable by imprisonment in the county jail. The sums that may be expended in legitimate expenses by any candidate are limited by law, the amounts varying with the number of votes cast in the election. Furthermore, each candidate must file, under oath, a detailed statement of all his expenses and expenditures in the campaign.

Exceptions.—The system above outlined does not apply to elections determined otherwise than by ballot; to township, school or village elections; to the election of school commissioners and road overseers; to cities of the fourth class, or to cities of less than three thousand inhabitants existing under special law.

CHAPTER XI.

TAXATION AND REVENUE.

Introduction.—We have now presented the main features of State Government in Missouri. The duties and services of officers, the methods employed to preserve order, and the means used to develop and maintain the institutions of the State have been made prominent in the discussion. Officers are public servants employed to do a specific kind of work. They must be remunerated for their time and for their skill and efficiency. Salaries must be provided for them, public buildings must be erected and offices equipped, and many kinds of supplies must be purchased. Only by a just and economical system of taxation can these obligations be met in a satisfactory manner. It remains for us to present in this chapter the fundamental ideas of the revenue system.

Principles.—A few fundamental principles, taken largely from the Constitution, are stated in this connection, as follows:

1. The taxing power for the State belongs to the General Assembly, and the county and other municipal corporations exercise this power only by the authority of the General Assembly. The General Assembly makes the laws which regulate taxation, but these laws confer the taxing power upon counties and other units.

2. The General Assembly cannot surrender nor suspend the power of the State to tax corporations or corporate property. For some years there has been a growing tendency to increase the taxes derived from these sources. In cities, franchise taxes have come to be valuable sources of revenue.

3. Taxes are levied and collected for public purposes only, but they must be uniform for the same class of subjects or property. Equal privileges imply equal contributions to the expense of the system.

4. All taxes must be levied and collected by general law. Special laws are not allowed in Missouri.

5. All property subject to taxation must be taxed in proportion to its value. Some basis must be adopted, and this is probably the most just and satisfactory. In proportion as values are enhanced by good government, in that proportion should the owners of property contribute to the expense of government.

Purposes.—The purposes for which taxes are collected are stated in the statutes to be, “For the support of the government of the State, the payment of the public debt, and the advancement of the public interest.” All property should contribute to these ends, and all citizens may take a pride in their attainment.

Exemptions.—Certain subjects or kinds of property are exempt from taxation in this State, viz.: All persons belonging to the army of the United States; lands, buildings and their equipments belonging to the United States; all property belonging to the State; property belonging to a city or county; lots and other property used exclusively for religious worship, for schools, and for purposes

purely charitable. Real and personal property devoted to the use of horticultural and agricultural societies are also exempt from taxes under the law. The element of public service enters into each of these, and none of them involves the element of private gain or personal advantage.

Place of Assessment.—All personal property is assessed in the county where the owner resides, it matters not if it be in another State. This includes all notes, bonds and other evidences of debt. The evident intent of this provision is to discourage “tax-dodging” on this class of property. A seeming exception to this rule is found in the requirement that personal property belonging to manufacturing firms and other corporations must be assessed in the county where the property is located.

Restrictions and Limitations.—Stringent limitations have been imposed by the Constitution upon County Courts and others, with a view to guarding against the abuse of the taxing power. Exclusive of the tax needed to pay the bonded debt, the rate for State purposes cannot exceed fifteen cents on the hundred dollars assessed valuation. For county purposes the rate ranges from thirty-five cents to fifty cents on the hundred dollars, owing to the number of inhabitants in the county; the annual rate for cities and towns, varying with population, ranges from twenty-five cents to one hundred cents on the hundred dollars. The regular annual rate for school purposes is forty cents, which may be increased by a vote of the people to one dollar in cities and towns, and to sixty-five cents in other districts. These restrictions have protected the people of many sections against extravagant and unnecessary expenditures; but at the same time other localities have been

hindered in their development by these severe limitations. "There is a growing feeling," says Walter Williams, "that the present limitations are too restrictive to enable the State and its local subdivisions to provide adequately for their legitimate needs."

Levying Taxes.—It is the duty of the Assessor of the city, town, county or township to list and assess all taxable property within his district. The amount of personal property may be ascertained by a personal canvass of his territory. The real estate holdings are secured from the county records, but the values placed upon them must be based upon personal knowledge or inspection. Having before them the total amount of the taxable property with its value, and knowing the total amount of taxes to be raised, the County Court and other authorities can easily determine and fix the rate of taxation.

Correcting Errors.—A Board of Equalization for the State and one for each county have been provided, whose duty it is to equalize the assessments made by the various assessors. The State Board adjusts and equalizes the values as reported from the various counties, while each county board hears complaints from property owners and tries to secure a uniform assessment of values.

Other Sources.—There are other sources of revenue to the State and county besides the general property tax. Special taxes, fees collected for the services of certain officers and licenses of various kinds are sources of income, and large amounts are realized from them. Large amounts are collected from corporations, such as railroad, express, bridge and telephone companies. Besides, there are earnings from the penitentiary and the eleemosynary institu-

tions which help to swell the total income of the State. From all sources of revenue the State realizes every year a grand total of ten and a quarter million dollars.

Internal Revenue.—There are two United States internal revenue districts in Missouri, one with headquarters at Kansas City and the other at St. Louis. One collector is appointed for each district, and there are several deputies located in different parts of the State.

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